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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/600,930 | 06/19/2003 | Norbert Rossello | 0160105 | 6199 |

25700 7590 01/11/2007
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| EXAMINER |
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TOLENTINO, RODERICK

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| ART UNIT | PAPER NUMBER |
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2134

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/11/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/600,930 | Applicant(s) ROSSELLO ET AL. | |
| | Examiner Roderick Tolentino | Art Unit 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 15 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3, 8, and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 3, 8 and 13 recite the limitation "recursive sliding block method" and "recursive overlapping block method. Both algorithms are not well known in the art and the specification fails to clearly describe the how they work.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As per claims 3, 8 and 13, claims recite the limitation "recursive sliding block method" and "recursive overlapping block method." Both terms are indefinite since it is not known how the algorithms work. For purposes of examination the limitation will be interpreted to be methods of determining bytes.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wengrovitz et al. U.S. PG-Publication No. (2003/0128696).

10. As per claims 1, 6 and 11, Wengrovitz discloses an encoder configured to receive a speech sample and generate an encoded voice packet from said speech sample, said encoded voice packet having a packet size and a plurality of bytes (Wengrovitz, Paragraph 0012), an encryption unit configured to receive a voice block and generate an encrypted voice block, said voice block having a block size, wherein said packet size is not divisible by said block size and yields a remainder (Wengrovitz, Paragraph 0043), and a packet block manager configured to divide said encoded voice

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packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit (Wengrovitz, Paragraph 0015).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 – 4, 7 – 9 and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz et al. U.S. PG-Publication No. (2003/0128696) in view of Maes U.S. Patent No. (6,934,756).

13. As per claims 2, 7 and 12, Wengrovitz fails to teach packet block manager applies a mask to said encrypted voice packet for determining said additional bytes. However, in an analogous art Maes teaches a teach packet block manager applies a mask to said encrypted voice packet for determining said additional bytes (Maes, Col. 21 Lines 54 – 64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Maes' conversational networking via transport coding and control protocols with Wengrovitz's secure Voice and data transmissions because it

offers the advantage of padding to hide the payload in a packet (Maes, Col. 21 Lines 54 – 64).

14. As per claims 3, 8 and 13, Wengrovitz fails to teach packet block manager executes one of a recursive sliding block method algorithm and a recursive overlapping block method algorithm for determining said additional bytes. However, in an analogous art Maes teaches packet block manager executes one of a recursive sliding block method algorithm and a recursive overlapping block method algorithm for determining said additional bytes (Maes, Col. 21 Lines 54 – 64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Maes' conversational networking via transport coding and control protocols with Wengrovitz's secure Voice and data transmissions because it offers the advantage of padding to hide the payload in a packet (Maes, Col. 21 Lines 54 – 64).

15. As per claims 4, 9 and 14, Wengrovitz fails to teach using encoder G.711. However, in an analogous art Maes teaches using encoder G.711 (Maes, Col. 30 Lines 34 – 38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Maes' conversational networking via transport coding and control protocols with Wengrovitz's secure Voice and data transmissions because it offers the advantage of using standard signal processing method for telephony.

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16. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz et al. U.S. PG-Publication No. (2003/0128696) in view of Luby U.S. PG-Publication No. (2003/0219128).

17. As per claims 5, 10 and 15, Wengrovitz fails to teach encryption unit employs Advanced Encryption Standard encryption. However, in an analogous art Luby teaches encryption unit employs Advanced Encryption Standard encryption (Luby, Paragraph 0053).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Luby's Telephone subscriber unit with Wengrovitz's secure Voice and data transmissions because it offers the advantage of using block cipher encrypting to increase security.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on 8:00am - 5:30pm.

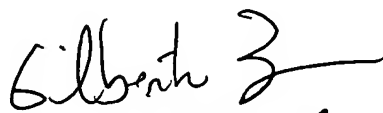
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Roderick Tolentino

Roderick Tolentino
Examiner
Art Unit 2134


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SUPERVISORY PATENT EXAMINER
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